

**STAFF REPORT**  
**Application #WPL-10950-20**  
**101 Harbor Road**

Prepared: February 28, 2020, Revised March 30, 2020

**Public Hearing: April 15, 2020**

**Application Request:** Applicant is proposing the extension and modification of an existing stone pier. Specifically, the work includes adding a 4' x 24' fixed wood pile and timber pier, a 3.5' x 34' ramp and an 8' x20' floating dock secured with four relocated tie-off pilings; and add three tie-off pilings. The site lies within the Waterway Protection Line (WPL) of the Saugatuck River.

**Plans reviewed:**

1. "Dock Modifications 101 Harbor Road LLC – **Plan View**" Sheet 1 of 4, Prepared by Docko, Inc. Dated December 7, 2011 and last revised: February 9, 2015
2. "Dock Modifications 101 Harbor Road LLC – **Existing Conditions**" Sheet 2 of 4, Prepared by Docko, Inc. Dated December 7, 2011 and last revised: November 6, 2015
3. "Dock Modifications 101 Harbor Road LLC – **Plan View**" Sheets 3 of 4, Prepared by Docko, Inc. Dated December 7, 2011 and last revised: February 9, 2015
4. "Dock Modifications 101 Harbor Road LLC – **Profile and End View**" Sheets 4 of 4, Prepared by Docko, Inc. Dated December 7, 2011 and last revised November 6, 2015
5. CT D.E.E.P. Permit #201501128-KB issued March 3, 2016 – To retain and relocate piling; install a pier, ramp and float; and install tie-off pilings

**Property Description:**

**Location of 25-year Flood Boundary:** the 9 ft. contour interval.

**Location of WPLO boundary:** 15 ft. landward of the 9 ft. contour. The entire dock is located within the WPLO area.

**Property contains Flood Zones AE (el. 13'), Limit of Moderate Wave Action line, and VE (el. 14')** as shown on F.I.R.M. Panel 09001C0532G Map revised to July 8, 2013.

**Coastal Area Management (CAM):** The property is located within the CAM zone. The coastal resources identified on the property include coastal hazard area and tidal wetlands. The off-shore area is classified as an estuarine embayment.

**Previous Permits issued and Violation:**

- a. Shellfish Commission Determination February 4, 2015

**Permits/Approvals Granted by Others for the Dock:**

- a. CT Dept. of Energy and Environmental Protection approved the dock on March 3, 2016. Condition of notable interest includes:
  - The Permittee shall ensure that any workboat or barge utilized in the execution of the work authorized herein shall not rest on, or come in contact with, the substrate at any

- time. Any such workboat or barge shall not interfere with navigation or be berthed in an area of tidal wetlands.
- A 10 ft. setback from any wetlands adjacent to the work area, which are used for access to the work area.
- b. As part of the applicant's submission to the CT DEEP for the dock, they applicant had to obtain the comments of the Westport Shellfish Commission. This occurred on February 4, 2015
- The Commission held no objection to the decrease in tie-offs.
- c. The Flood and Erosion Control Board approved the application with conditions on March 4, 2020

**Discussion:** The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

“ An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.”

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterway should focus on the impact, if any, to the plant and aquatic life in the vicinity of the proposed dock. The Westport Shellfish Commission received a report from R. Richard Snarski, New England Environmental Service, dated June 17, 2014, stating that: “No hard shell or soft shell clams were found in the area of the proposed dock.” Additionally, no tidal vegetation is located near the proposed pier or float.

It is recommended by staff that a condition state that no access through or staging of material associated with dock construction can be done within 10 ft. of the tidal wetland area.

#### **Alternatives to Reduction of Impacts**

1. No construction alternative.
2. Approval of application with the conditions imposed by CT DEEP Permit #201501128-KB, Flood and Erosion Control Board approval of March 4, 2020 and the Shellfish Commission.
3. No work, including access or staging of material, can take place within 10 ft. of the tidal wetlands.